



October 08, 2021

By Electronic Filing

Marlene H. Dortch
Secretary
Federal Communications Commission
45 L Street, NE
Washington, DC 20554

Re: Space Exploration Holdings, LLC, IBFS File Nos. SAT-LOA-20200526-00055 and
SAT-AMD-20210818-00105

Dear Ms. Dortch:

EchoStar Satellite Services L.L.C. and Hughes Network Systems, LLC (collectively “EchoStar/Hughes”) respectfully submit this *ex parte* to respond to Space Exploration Holdings, LLC’s (SpaceX) assertion that no party in the above proceeding has provided a rule to deny SpaceX’s application.¹ EchoStar/Hughes’ filing, as well Viasat, Inc.’s (Viasat) and Kuiper Systems LLC’s (Kuiper), provided multiple rules demonstrating that SpaceX’s “second generation” Non-Geostationary Orbit (NGSO) system contradicts Part 25 of the Commission’s rules.²

FCC rules explicitly state that applications containing internal inconsistencies and not substantially complying with the Commission’s rules will be dismissed.³ Also, the Commission’s Order in 2003 clearly established that no party could submit alternative proposals in a single application because such language was removed from the rule.⁴ While SpaceX asserts that its application and alternative proposals are “complete,”⁵ the fact that the FCC has determined that applicants can only provide a single proposal proves just the opposite. Including two proposals in a single application creates inconsistencies and cannot, therefore, be described as “a comprehensive proposal” under the Rules.⁶

Furthermore, the examples SpaceX provided in its recent response concerning multiple NGSO filings fail to address the issue of a complete application.⁷ First, the NGSO application Boeing attempted to

¹ See Letter from SpaceX to FCC, IBFS File Nos. SAT-LOA-20200526-00055 and SAT-AMD-20210818-00105 (Sep. 29, 2021) (“SpaceX Reply Letter”).

² See Letters from Viasat to FCC, IBFS File Nos. SAT-LOA-20200526-00055 and SAT-AMD-20210818-00105 (Sep. 10, 2021) and (Sept. 21, 2021); Letter from Kuiper to FCC IBFS File Nos. SAT-LOA-20200526-00055 and SAT-AMD-20210818-00105 (Sep. 08, 2021); Letter from EchoStar/Hughes IBFS File Nos. SAT-LOA-20200526-00055 and SAT-AMD-20210818-00105 (Sep. 23, 2021).

³ See 47 C.F.R. 25.112(a)(1-2).

⁴ See Amendment of the Commission’s Space Station Licensing Rules and Policies, 18 FCC Rcd 10760, at ¶ 158 (2003) (“Space Station Licensing Reform Order”).

⁵ See Letter from SpaceX to FCC, IBFS File Nos. SAT-LOA-20200526-00055 and SAT-AMD-20210818-00105 (Aug. 31, 2021).

⁶ See 24.114(a).

⁷ See SpaceX Reply Letter at 2.

transfer to another party contained only a single NGSO constellation proposal,⁸ and OneWeb's amendment sought to add satellites and frequency bands to its already existing, single NGSO constellation application.⁹ Neither of those filings contained multiple NGSO constellations within a single application and are unpersuasive as it related to Rules 25.112(a) and 25.114(a). Moreover, both Boeing and OneWeb sought waivers of FCC rules for their applications prior to the FCC accepting them for filing.¹⁰ If SpaceX wishes to cite these filings, it should, at a minimum, follow the examples of Boeing and OneWeb and seek a waiver of FCC rules for an application that is out of compliance.

As demonstrated herein, EchoStar/Hughes respectfully request that the FCC dismiss SpaceX's amended filing on the grounds that it is inconsistent with FCC procedure, or require SpaceX to revise its application and file for a waiver of FCC Rules 25.112(a)(1) and 25.114(a)(1).

Respectfully submitted,

/s/

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⁸ See Boeing Application Narrative, IBFS File No. SAT-AMD-20171206-00167 (Dec. 6, 2017).

⁹ See OneWeb Application Narrative, IBFS File No. SAT-AMD-20180104-00004 (Jan. 4, 2018) ("OneWeb Application").

¹⁰ See OneWeb Application at 17.